

OGC 7-182

30 October 1957

**MEMORANDUM FOR:** Deputy Director (Plans)  
Deputy Director (Intelligence)  
General Counsel   
Director of Security

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**SUBJECT:** Amendment of Executive Order No. 10501  
of November 5, 1953, Relating to Safeguarding  
Official Information in the Interests of the  
Defense of the United States

1. The Bureau of the Budget has forwarded for Agency comment a proposed Amendment of Executive Order 10501. The letter from the Bureau of the Budget also included a proposed Memorandum for the Heads of All Departments and Agencies and a letter from the Attorney General to the Bureau of the Budget dated 11 October 1957, both relating to Executive Order 10501.

2. In order for this Office to consolidate Agency views, it is requested that your office furnish comments or suggestions to the undersigned prior to 14 November 1957.

**JOHN S. WARNER**  
Legislative Counsel

Attachments - 3

cc: Deputy Director (Support)  
w/ Leg. C. Subject w/Basic  
Leg. C. Chrono.  
✓ 1-OGC Subject Sec. 3  
OGC/LC:JSW:mks

OGC 7-1812a

14 November 1957

MEMORANDUM FOR: Legislative Counsel

SUBJECT: Amendment of Executive Order No. 10501 of November 5, 1953, Relating to Safeguarding Official Information in the Interests of the Defense of the United States.

1. Pursuant to your request of 30 October 1957 I have reviewed the letter of the Attorney General to the Director of the Bureau of the Budget, dated 11 October 1957, which contains four proposed changes in E.O. 10501 and will comment on them in the order set forth therein. The first three proposals come from the Interdepartmental Committee on Internal Security (ICIS) under authority of the National Security Council.

A. The first proposal would permit agencies which do not have authority for original classification under E.O. 10501 (and therefore may not declassify) to have declassification authority if they formerly had classification authority under E.O. 10290, which was revoked by E.O. 10501.

Comment: This apparently would merely permit the agencies concerned to declassify old material. We would have no objection to this.

B. The second proposal would permit confidential defense material to be transmitted within the United States by first-class mail.

Comment: This would appear to be a security policy matter and presents no legal problem. We would have no objection.

C. The third proposal suggests the addition of the Farm Credit Administration and the Federal Coal Mine Safety Board of Review to the list of the twenty-eight agencies which are without original classification authority.

Comment: This is strictly an administrative determination in which we appear to have no interest. It presents no legal problem and we would have no objection.

D. The fourth proposed change is explained in detail in the Attorney General's letter but briefly it is a proposal by the Department of State to permit access to classified defense information by persons whose duties require access "in the national interest" rather than "in the interest of promoting national defense." The State Department specifically wishes this for use by researchers in connection with work on the "Princeton Collection of Dulles Papers." The Department of Defense opposes this and the ICIS has not acted on it. The Attorney General comments that the present language precludes access to defense information for purposes which, while promoting the general welfare, do not strictly pertain to national defense. He states this applies equally to government officials and employees and to private individuals.

Comment: This also is a matter of security policy and would appear to present no legal problem; however, I feel that we should have no objection to the Attorney General's proposal and as a matter of fact the proposed broadening of the language may even be beneficial.

2. In view of the foregoing I feel that this Office should have no objection to the proposed Executive Order and memorandum which are attached to the Attorney General's letter.

  
Assistant General Counsel

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OGC:GEF:GPG

Distribution:

Orig - Addressee  
1 - Subject  
1 - Signer  
1 - Chrono

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